



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

NDB/WPC  
F. #2020R00093

*271 Cadman Plaza East  
Brooklyn, New York 11201*

January 6, 2025

By Hand Delivery and ECF

Kannan Sundaram, Esq.  
Jullian Harris-Calvin, Esq.  
Federal Defenders of New York, Inc.  
One Pierrepont Plaza, 16th Floor  
Brooklyn, NY 11201

Re: United States v. Ashraf Omar Eldarir  
Criminal Docket No 20-243 (S-1) (LDH)

Dear Counsel:

Enclosed please find a signed expert disclosure, provided in accordance with Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure. The government reserves the right to supplement and/or correct this disclosure if appropriate. See Fed. R. Crim. P. 16(a)(1)(G)(vi). The government also requests reciprocal discovery from the defendant pursuant to Rule 16(b)(1)(C) of the Federal Rules of Criminal Procedure.

Very truly yours,

BREON PEACE  
United States Attorney

By: /s/ Nomi Berenson  
Nomi Berenson  
William Campos  
Assistant U.S. Attorneys  
(718) 254-6308/6104

Enclosure

cc: Clerk of the Court (LDH) (by ECF)

**Disclosure as to Expert Witness Tess Davis**

**I. Statement of Opinions, Bases and Reasons**

The following is “a complete statement of all opinions that the government will elicit from the witness in its case-in-chief, or during its rebuttal to counter testimony that the defendant has timely disclosed under [Rule 16](b)(1)(C), and the bases and reasons for them,” Fed. R. Crim. P. 16(a)(1)(G)(iii):

Ms. Davis will testify regarding United States and international law combating cultural racketeering and preserving cultural heritage, and Egyptian patrimony law. More specifically, she will outline for the jury the following legal framework: (i) the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (“1970 UNESCO Convention”), (ii) the Cultural Property Implementation Act (“CPIA”), Title 19, United States Code, Sections 2601, et seq., which implements the 1970 UNESCO Convention, (iii) Egyptian patrimony law, including the 1983 Egyptian Antiquities Protection Law, which vests ownership of antiquities in the state, prohibits their unlicensed export, and prohibits their private possession except for those in private possession before the law was enacted and registered with the state, (iv) the bilateral agreement between the United States and Egypt pursuant to CPIA, which prohibits the import of illegally exported Egyptian antiquities into the United States, and (v) the fact that the United States represents approximately 45% of the global art market, which makes it a significant target for the illicit importation of antiquities.

The bases for each of the witness’s opinions and statements is the witness’s knowledge of pertinent international antiquities law. This knowledge was acquired through education, training, and experience as an attorney and professor of law specialized in combating cultural property racketeering and preserving cultural heritage, Executive Director of the Antiquities Coalition, and as a legal consultant to the United States. The witness’s training and experience are detailed in the attached curriculum vitae (“CV”).

**II. Qualifications**

The attached CV provides “the witness’s qualifications, including a list of all publications authored in the previous 10 years,” Fed. R. Crim. P. 16(a)(1)(G)(iii).

III. List of Cases

The following is “a list of all other cases in which, during the previous 4 years, the witness has testified as an expert at trial or by deposition,” Fed. R. Crim. P. 16(a)(1)(G)(iii):

None.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tess Davis", is written over a horizontal line.

Tess Davis  
Executive Director  
Antiquities Coalition